

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Randall Kruse,

Civil File No. 05-154 (RHK/JSM)

Plaintiff,

**ORDER**

vs.

Johnson Crushing, Incorporated, a  
Minnesota corporation,

Defendant.

---

Defendant has filed timely Objections to the August 31, 2005 Report and Recommendation of Magistrate Judge Janie S. Mayeron, in which Judge Mayeron has recommended that Defendant's Motion to Dismiss be denied.

The Court has conducted the required de novo review of the objected to portions of the Report and Recommendation and has been furnished with written submissions in support of, and in opposition, to Defendant's Objections. That review satisfies the undersigned that Judge Mayeron's recommended disposition is correct and should be adopted. Her Report and Recommendation is thorough and well reasoned, and is amply supported by controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 16) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 15) is **ADOPTED**; and
3. Defendant's Motion to Dismiss (Doc. No. 2) is **DENIED**.

Dated: September 27, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge